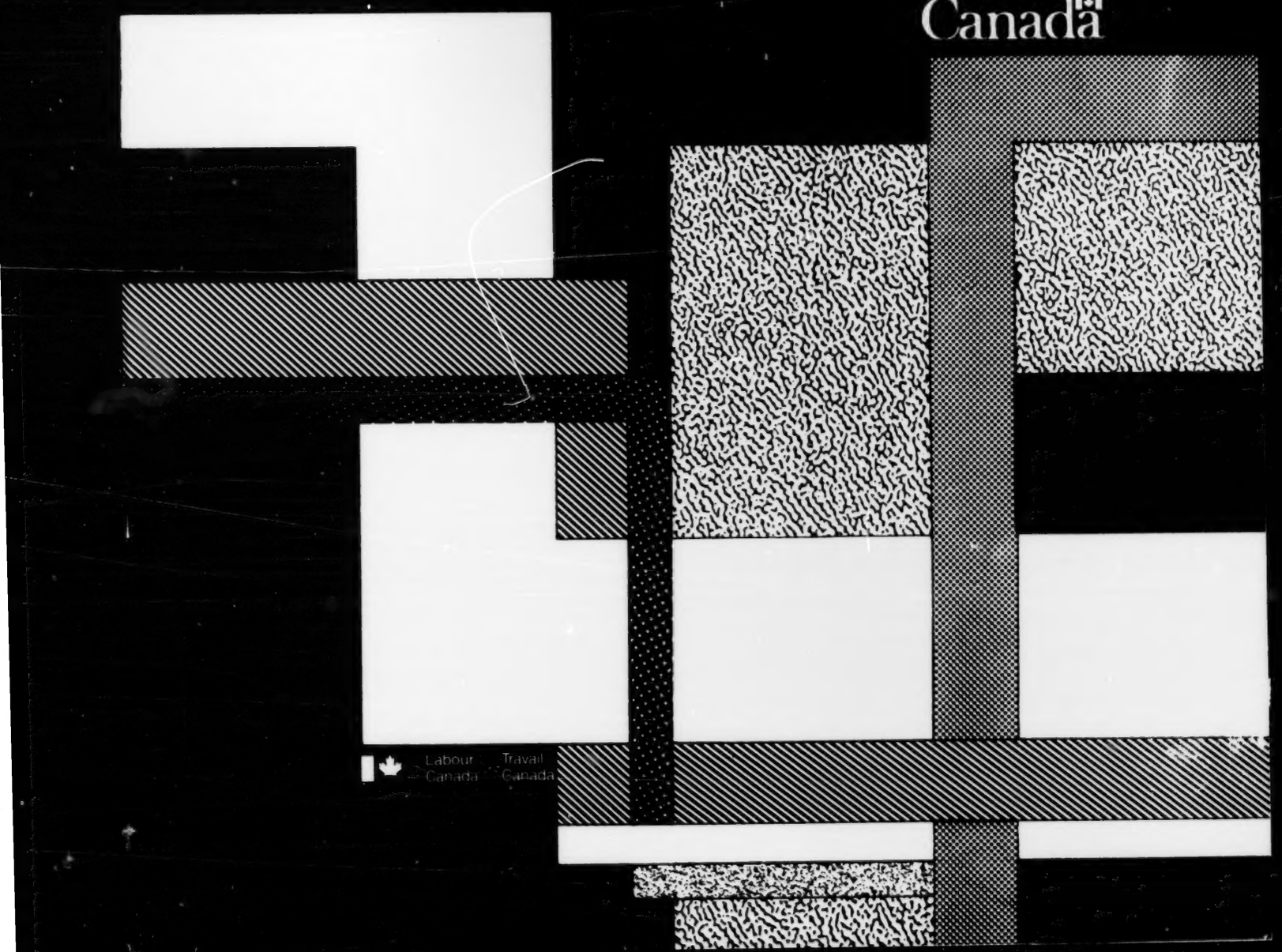
CERTIFICATIONS FIRST AGREEMENTS AND DECERTIFICATIONS AN ANALYTICAL FRAMEWORK



CERTIFICATIONS, FIRST AGREEMENTS, AND DECERTIFICATIONS: AN ANALYTICAL FRAMEWORK

BY

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FOREWORD

In 1980, the Employment Relations and Conditions of Work Branch began a study of problems which arise during the establishment of new collective bargaining relationships. As a first step, basic information has been obtained from the administrative records of a number of provincial labour relations boards. Characteristics of all applicants for certification as bargaining agents during a recent period have been compiled, and the progress of the applicants systematically followed through the certification process to the point where bargaining has, in many cases, resulted in a first collective agreement.

To guide the study, Professor George Bain was asked to prepare a framework for classifying and analysing the data, and this discussion paper is the result. Professor Bain also participated in a seminar convened in Ottawa to discuss the preliminary information obtained from the records in six provinces, and he has attempted to sum up the wide-ranging discussion in the Postcript to the paper.

The preliminary study for Ontario, conducted by Professor Donald Carter and John Woon, is being published concurrently with this paper, and a document summarising the results from the other studies is being prepared for publication. Further studies are planned, and comment would be welcome.

I should like here to thank the labour relations board Chairmen and their staffs, in Newfoundland, Nova Scotia, New Brunswick, Ontario, Alberta, and British Columbia, for their friendly and helpful assistance in allowing access to their records for the work which has been done up until now.

Garfield Clack,
Acting Director,
Employment Relations and
Conditions of Work.

March 1981

TABLE OF CONTENTS

	Page
INTRODUCTION	1
AN ANALYTICAL FRAMEWORK	2
The Business Cycle	2
Organising Climate	4
Nature of the Bargaining Unit	5
Organising History	6
Age	6
Sex	8
Part-time Employment	8
Labour Turnover	8
Occupation	9
Employee Support for Unionisation	9
Geographical Location	10
Industrial Location	11
Size of Unit	12
Size of Establishment	15
Single Independent Establishment	15
Multi-employer Collective Agreement	15
Union Structure and Policies	16
Employer Attitudes and Behaviour	17
Employee Petitions	18
Extent and Nature of Hearings	18
Unfair Labour Practices	19
Conciliation and Strikes	20
Time Taken to Achieve Certification and a Collective Agreement	20
Extent and Nature of Union Security	21
Government Action	21
CONCLUSIONS	22
REFERENCES	24
A POSTSCRIPT	30

I. INTRODUCTION

As part of the process of developing policies relating to Part V of the Canada Labour Code, the Canada Department of Labour asked me to prepare "a brief paper...on the use of Canadian labour relations board and other records pertaining to the certification of unions and the events taking place during the negotiation period leading up to signature of a first agreement." The Department did not want me to ascertain what data could be obtained from the records of labour relations boards and to assemble them for analysis; it had assigned this job to others (Carter and Woon, 1980; Charron, 1980; Keylock, 1980; Stapleton, 1980; Turgeon, 1980; and Wright, 1980). My task was to provide a "framework" for classifying and analysing the data which are generated by the process of certification and negotiation of a first agreement. The Department hoped that the framework would suggest various hypotheses and theories which would relate different aspects of the data, point to new types of inquiries, make their findings coherent and cumulative, and provide a more secure basis for policy formulation.

In carrying out this task and attempting to construct a framework for analysing the process of certification and negotiation, I have assumed that the Department would like to use the data referred to above to obtain answers to six basic questions. First, what factors determine "organising activity" as measured by either the number of applications for certification of unorganised units[1] or the number of employees covered by these applications? Second, what factors determine "organising success" as measured by either the number of applications which actually result in certification or the number of employees covered by these applications?[2] Third, what factors determine "bargaining success" as measured by either the number of certifications which are consummated by a collective agreement or the number of employees covered by these agreements? Fourth, what factors determine "disorganising activity" as measured by either the number of applications for decertification or the number of employees covered by these applications? Fifth, what factors determine "disorganising success" as measured by either the number of applications which actually result in decertification

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[1] Only unorganised bargaining units are considered because the Department is primarily interested in the factors which determine new union organising and new collective bargaining. Unorganised bargaining units are those which at the time the application is made are either not certified or not covered by a collective agreement. Excluded, therefore, are applications in which a union is attempting to displace an incumbent bargaining agent or in which a union is attempting to certify bargaining rights which it has already obtained through direct negotiation with an employer.

[2] It might be argued that in calculating the "organising success" rate the number of applications which result in certification should be expressed not as a proportion of the total applications for certification but as a proportion of the total applications less those which are withdrawn by unions. There are relatively few withdrawals, however, and hence their exclusion would have little effect upon the magnitude of the success rate.

or the number of employees covered by these applications?[3] Sixth, and underlying all the previous questions, what factors determine "employee support" as measured by either the number of employees in a bargaining unit who are members of a union or the number of employees who support it in a representation election?

Since these questions form part of a process which is tied together by those factors which determine the propensity and opportunity workers have for becoming, remaining, or ceasing to be union members, the answers to them will be closely interrelated. To deal with each of them separately, therefore, would be very repetitive. Economies can be achieved by structuring the following discussion in terms of the factors which are likely to have a bearing on these questions and indicating, where necessary, how their relevance and influence may vary from one question to another. The following discussion also tries to indicate how the relevance and influence of these factors may vary depending upon whether the analysis is undertaken on a longitudinal basis with comparisons over time or on a cross-section basis with comparisons at a single point in time across different bargaining units.

II. AN ANALYTICAL FRAMEWORK

An analytical framework is needed in any scientific investigation to guide the selection of relevant data from the infinite mass of available material and to help organise these data in a meaningful and coherent form once they have been gathered. The analytical framework presented here groups the various factors which are likely to have an influence upon the questions listed above into six categories: the business cycle, the organising climate, the nature of the bargaining unit, union structure and policies, employer attitudes and behaviour, and government action.

The Business Cycle

The most frequently mentioned determinant of union growth is the business cycle and, in particular, such individual components of the cycle as prices, wages, profits, and unemployment. There are, as previously noted (Bain and Elsheikh, 1976b:61-7; Elsheikh and Bain, 1979), several reasons why these factors are likely to exert an important influence upon union growth.

An increase in the rate of change of retail prices is likely to encourage workers to become and to remain union members because of the threat which it poses to their standard of living. If workers think in real as distinct from money terms, however, they will not perceive their standard of living being threatened by rising prices if money wages are rising even faster. Hence the relationship between prices and wages is also likely to

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[3]Although the phenomena referred to in the first five questions can be measured by either their number or the number of employees covered by them, the latter measure gives greater weight to larger bargaining units.

be important. But regardless of what is happening to prices, an increase in the rate of change of money wages may encourage workers to unionise, for they may credit such an increase to the efforts of unions and become or remain union members in the hope of doing as well or even better in the future.

To the extent that an increase in the rate of change of profits is a measure of business prosperity, it is likely to influence union growth by affecting the opportunity to unionise. For employers are generally more willing to concede worker demands for better conditions and union recognition in periods of business prosperity, partly because of a reluctance to have profitable production interrupted by industrial action and partly because increases in labour costs can be passed on more easily to customers.

Unlike prices, wages, and profits, which are likely to have a positive impact upon union growth, unemployment is likely to have a negative impact. Unemployed workers have little incentive to unionise because there is little that a union can do for them, and the cost of union membership in dues and initiation fees is greater in relation to income. Moreover, when unemployment is high or increasing, employers are better able and more willing to oppose unionism. For insofar as unemployment reduces the level of aggregate demand, production lost as a result of strikes and other forms of industrial action will be less costly to employers. And if they wish to maintain production in the face of industrial action, they can more easily do so by recruiting an alternative labour force from among the unemployed. Indeed, workers who are not unemployed may be reluctant to join unions in periods of high unemployment for fear of antagonizing their employers and thereby losing jobs which are in short supply. Finally, inasmuch as unemployment reduces the ability of unions to win collective bargaining advances, the benefits of membership are reduced even for members who are not unemployed, and some of them may come to feel that union membership is no longer worthwhile.

To summarise the above arguments, price rises are likely to have a positive impact upon union growth because of the "threat effect": the tendency of workers to unionise in an attempt to defend their standard of living against the threat posed by rising prices. Wage rises are likely to have a similar impact because of the "credit effect": the tendency of workers to credit wage rises to unions and to support them in the hope of doing as well or even better in the future. And so are increases in profits because of the "prosperity effect": the tendency of employers to be more willing to concede union demands for better conditions and union recognition in periods of business prosperity. In contrast, unemployment is likely to have a negative impact upon union growth because it reduces the relative bargaining power of unions and in this and other ways lessens the attractiveness of union membership.

If this a priori reasoning linking union growth to the business cycle is valid - and, as previously noted (Bain, 1978:17), there is a good deal of empirical evidence from several countries which suggests that it is - then the business cycle is also likely to be linked to the process of certification and negotiation. In fact, Krislov (1967, 1970), Krislov and

Christian (1969), Adams and Krislov (1974), Freeman and Medoff (1976:10-11), and Roomkin and Juris (1978:217) have demonstrated for various periods between 1946 and 1974 in the United States that "organising activity" and "organising success" are closely related to such cyclical indicators as prices, wages, and unemployment; and Anderson et al. (1980) have found that "decertification success" is related to, among other things, prices and unemployment.

Prices, wages, profits, and unemployment are likely to be particularly relevant and influential in longitudinal studies where comparisons are made over time. But they will probably have less explanatory power in cross-section studies where comparisons are made at a single point in time across different bargaining units. An aggregate index of retail prices is by its very nature the same across all bargaining units, and hence the effects it captures will not produce inter-unit variations in the process of certification and negotiation. But the same may not be true of wages, profits, and unemployment, which will tend to vary between units.[4] Data on these factors are generally not available at the unit level of aggregation, however, and hence their impact upon inter-unit patterns of certifications, first agreements, decertifications, and employee support cannot be directly assessed. But their impact may be captured to some extent by the regional and industrial variables discussed below.

Organising Climate

Whatever impact the business cycle has upon union growth, it is likely to be constrained by the prevailing level of union density.[5] As Rezler (1961:4) has pointed out, "it is obvious that as the...union movement embraces larger portions of the organizable segment it gets nearer and nearer to the saturation point when each per cent of growth requires greater and greater effort on the part of unions and more persistent support by the so-called favorable factors of union growth." This "saturation effect" - the greater difficulty of further increasing union membership as union density rises, partly because there are fewer workers left to recruit and partly because those who are left have less propensity and/or ability to unionise - suggests that union density will have a negative impact upon union growth.

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[4]Some of these factors may also vary within bargaining units. Farber and Saks (1980:363) found in the United States that a worker's location within the earnings distribution of the potential bargaining unit played an important role in determining the vote in union representation elections. More specifically, they found that workers at the lower end of the intra-firm earnings distribution were more likely to vote for the union than workers at the upper end of this distribution, presumably because the former will gain a larger wage advantage from unionisation than the latter.

[5]Union density is actual union membership as a percentage of potential union membership, the latter being defined as the labour force minus employers, the self-employed, and members of the armed forces.

But there are also grounds for believing that union density may have a positive impact upon union growth. As density increases from a low level, the propensity and ability to unionise may increase because employers increasingly come to accept the "normality" of unionisation and, in any case, find it more difficult to resist. In addition, the ability of unions to persuade employees to unionise, either because of a demonstration of the benefits of collective bargaining or because of social pressures and union security provisions, is likely to increase as union density increases. In short, there are "demonstration" and "enforcement" effects associated with union density, and it may therefore have a positive impact upon union growth.

Given the conflicting effects which the union density variable captures, it is not possible to specify a priori which of them will dominate in practice and hence whether union density will have a positive or negative impact. Empirical work has generally allowed, therefore, for the possibilities that union density may have either a negative or a positive impact upon union growth and that the relationship between these two variables may be either linear or non-linear.[6]

Virtually all of this empirical work (e.g., Ashenfelter and Pencavel, 1969; Bain and Elsheikh, 1976b) has found that some form of union density has a significant impact upon union growth and, if the above a priori reasoning is correct, union density should also have a significant impact upon the questions with which this paper is concerned.[7] In fact, in the United States, Adams and Krislov (1974:310) found that union density did not have a significant impact upon one measure of "organising success" (the number of voters in bargaining units that select union representation in elections supervised by the NLRB), but Anderson et al. (1980:106) found that decertifications are less likely to occur the higher the level of union density. The influence of this factor upon the process of certification and negotiation needs to be further explored in both longitudinal and cross-section studies.[8]

Nature of the Bargaining Unit

There are several characteristics of the bargaining unit which may have an impact upon the process of certification and negotiation. These include the following: the organising history of the unit; its composition in terms of the age, sex, part-time employment, labour turnover, and occupation of the employees it contains; its level of employee support for unionisation; its geographical location; its industrial location; its size; the

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[6]See Bain and Elsheikh (1976b:67-9) on this point.

[7]In the context of certifications, first agreements, and decertifications, the proportion of the labour force covered by collective agreements might be a better measure of the "saturation", "demonstration", and "enforcement" effects, but data on collective agreement coverage are not available for all industries. Hence union density has to be used.

[8]See below, pp. 10-12.

size of the establishment in which the unit is located; whether this establishment is independent or part of a larger group; and whether the bargaining unit is covered by a multi-employer collective agreement.

Organising History. Rose (1972:51) found in the United States that unions were more successful in winning representation elections in bargaining units in which previous organising attempts had been made. He divided union campaigns in firms with prior organising activity into two categories - the repeat organising drive in which a second successive attempt is made to organise the same unit, and the non-repeat organising drive which is centred in a different unit of the same firm - and found that both categories of prior organising activity led to above-average success in representation elections. He concluded that "in repeat organizing situations, union persistence and timing of subsequent organizing activities were largely responsible for the reversal of prior setbacks" and that "in non-repeat elections, overall success was associated with the proximity of other organized employees in the firm." But Rose's findings conflict with those of Brandt et al. (1966:52-3) for Texas. They also conflict with those of Czarnecki (1969:715) who found that "the probability of a union representational victory in a repeat election is less or the same as that in the original election, depending on whether or not the same or a different union makes the repeat-election attempt."

The influence of this factor cannot be empirically assessed in Canada because labour relations boards here, unlike the NLRB in the United States, appear not to keep a record of the prior organising activity associated with each employer. In any case, even if such records were kept, they would by their very nature be incomplete. As Rose noted in the case of the NLRB, it "records only those organizing attempts in which a petition for an election or an unfair labor practice charge is filed" and "as a result, union activities which met with a great deal of resistance are often unrecorded, since most unions will only enter elections they have a reasonable expectation of winning." And regardless of how complete the records on prior organising activity or how this factor is related to the process of certification and negotiation, the basic question remains of why some units should have prior organising activity but not others. The answer to this question is probably given by some of the factors considered in the remainder of this paper.

Age. Shister (1953:421-2) has advanced several reasons why younger workers are likely to show a greater propensity to unionise than older workers. First, younger workers usually have shorter lengths of service with their firms and are likely, therefore, to feel less "loyalty" towards them than older workers. Second, if victimised because of their union activity, younger workers generally stand to lose less than older workers in terms of any company benefits which might exist, and, in addition, they can more easily find new jobs and adjust to them. Third, younger workers are generally better educated than older workers, and thus they are likely to be more resentful of arbitrary treatment by management and better able to lead their fellow employees in opposition to such treatment. Finally, younger workers have been nurtured in an era when unionism has become an integral part of the institutional framework, and hence they are more likely to look upon it as the "natural" way of handling worker problems rather than as something new and exceptional.

These are plausible reasons for expecting younger workers to have a higher propensity to unionise than older workers, but there are also plausible reasons for expecting the reverse to be true. To the extent that younger workers are better educated than older workers they may be less likely to unionise because of a feeling that their educational capital will enable them to progress in their careers individually and without the aid of unions. Some unions provide superannuation and sickness benefits to members, and these are likely to be more attractive to older than to younger workers. Older workers may have a better appreciation than younger workers of what working conditions were like in the "bad old days" and of the contribution which unions have made to improving these conditions. And older workers have fewer opportunities than younger workers to improve their conditions by changing jobs.

But even if Shister is correct in asserting that younger workers show a greater propensity to unionise than older workers, it does not necessarily follow that the larger the proportion of younger workers in a bargaining unit the higher its level of unionisation is likely to be. For the level of unionisation is determined not only by the propensity to unionise but also by the opportunity to unionise, and, in general, older workers will have had more opportunities to join unions and unions will have had more opportunities to recruit them because they will have been in the labour force for a longer period than younger workers. In short, even if younger workers have a greater propensity to unionise than older workers, the "exposure effect" may result in a higher proportion of older workers actually being union members.

This a priori reasoning is not very helpful in predicting the exact nature of the relationship between age and unionisation. Shister's logic suggests that the larger the proportion of younger workers in a bargaining unit the higher the level of unionisation is likely to be, whereas the alternative logic implies that the higher the proportion of younger workers the lower the level of unionisation is likely to be. In fact, empirical studies by Blinder (1972:13), Moore and Newman (1975:439), Freeman and Medoff (1976:21), and Bain and Elsheikh (1979:149) have found that younger workers are less likely to be unionised than older workers.

Given these findings, the age of the employees in the bargaining unit may be a determining factor in the process of certification and negotiation. Labour relations boards do not record data on this factor, however, and hence its impact is difficult to assess.[9] But whatever effect it has may be captured by some of the other factors considered below.

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[9]Farber and Saks (1980:366) obtained data on this factor from a sample of workers who participated in union representation elections in the United States, however, and, in contrast to the union-membership studies mentioned above, they found that older workers were less likely to vote for union representation. The two sets of findings are not necessarily inconsistent. As indicated above, even if younger workers have a greater propensity to unionise than older workers, the "exposure effect" may result in a higher proportion of older workers actually being union members.

Sex. Many writers have argued that women have a lower propensity to unionise than men because of the nature of female employment: women do not participate continuously in the labour market because of marriage and family responsibilities, and they generally are secondary earners whose pay is not the family's main source of income but merely supplements the earnings of their husbands. This argument suggests that the higher the proportion of women and, in particular, married women in a bargaining unit the lower its level of unionisation is likely to be. Fortunately, the sex composition of the bargaining unit can be determined from the records of labour relations boards, and hence the impact of this factor upon the process of certification and negotiation can be tested.

Part-time Employment. A factor which is closely associated with female employment is part-time working. Work and such work-related matters as trade unionism are likely to be less central to the life interests of part-time workers than of full-time workers, and hence the larger the proportion of part-time workers in a bargaining unit the lower its level of unionisation is likely to be. Its impact upon the process of certification and negotiation is difficult to assess because of a lack of data. In Ontario, however, the labour board tends to place part-time and full-time employees in separate bargaining units, and hence the impact of this factor could be tested in this province. Elsewhere, its impact may be captured by the sex variable and, since part-time employment tends to be concentrated in certain industries, by the industrial variables discussed below.

Labour Turnover. Another factor which is closely associated with female employment, but which is also characteristic of male employment in certain areas, is a high degree of labour turnover. The higher the degree of labour turnover among employees the more difficult and more costly unions will find them to recruit and to keep in membership. Many of the advantages of unionisation do not come immediately but only after several years of continuous pressure upon employers, and most workers will be reluctant to take the time and trouble to organise themselves into unions unless they expect to be employed in their present work long enough to enjoy these advantages. Indeed, a high degree of labour turnover may indicate that workers are leaving unsatisfactory work situations as an alternative strategy to improving them through unionisation. Be that as it may, the higher the degree of labour turnover in a bargaining unit the lower its level of unionisation is likely to be. By the same logic the less likely it is to apply for certification, to be certified, and to obtain a first agreement, and the more likely it is to be decertified.

Chafetz and Fraser (1979:65) examined 43 cases of decertification which occurred in British Columbia between 1974 and 1976 and found that labour turnover played a significant role in 13 cases. In five cases the turnover was due to normal attrition; in eight cases the employer promoted the turnover by putting pressure on key union activists to quit and by firing them. A more systematic and rigorous examination of the impact of labour turnover on certifications, first agreements, decertifications, and employee support for unions is prohibited by lack of data. As with part-time employment, however, its impact may be captured to some extent by the sex and industrial variables.

Occupation. There are considerable differences in the degree of unionisation between occupational groups. Perhaps the most remarked upon of these differences is that between white-collar and manual workers. The difference in unionisation between these two groups is most often explained by reference to the different positions which white-collar and manual workers hold in the system of social stratification. The social position of white-collar workers is alleged to produce a set of attitudes which reduces their commitment to trade unions and collective action. This explanation has been severely criticized (Bain et al. 1973), but the fact remains that white-collar workers are generally less well unionised than manual workers.[10]

Distinctions can also be drawn between the various categories of manual workers. Skilled manual workers have tended to unionise earlier and more completely than unskilled manual workers. Their higher propensity to unionise has been attributed to a number of factors. Many groups of skilled workers have a tradition of organisation extending back almost unbroken to the medieval guilds, have a fraternal feeling based on common training and experience, are better paid and hence better able to pay union dues, and are better educated and hence better able to manage union affairs. Most important, their skill makes them difficult to replace and often places them in a strategic position in the technological process of producing and distributing goods and services, with the result that they can more easily obtain concessions from employers.

These arguments suggest that the occupational composition of bargaining units is likely to have an impact on the process of certification and negotiation. As the papers by Charron (1980:11-12), Carter and Woon (1980:26-7), and Turgeon (1980:17-18) demonstrate, various occupational variables can be constructed from the records of labour relations boards, and their relevance to the questions with which this paper is concerned should be empirically assessed. Since there are as many differences within the white-collar and manual groups as there are between them, the more occupational distinctions which can be drawn in the available data the better. In addition, there is something to be said for trying to construct a variable which would measure the degree of "occupational homogeneity" in a bargaining unit. Charron (1980:12) has attempted to do this using the data available for Nova Scotia, and Anderson et al. (1979:33 and 35) have presented some evidence for the United States which suggests that units with relatively homogeneous membership in terms of type of jobs are less likely to decertify. Perhaps the greater sense of common interest and cohesion which probably exists in such units also has an impact upon other aspects of the process of certification and negotiation.

Employee Support for Unionisation. Piliotis (1975:23) found that non-construction applications for certification in Ontario between 1970 and 1973 were more likely to be successful the higher the proportion of employees in a bargaining unit who were union members. Sandver (1977:699)

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[10] Manual workers in Canada are about four times more highly unionised than white-collar workers. See Bain (1978:12).

has shown that the higher the proportion of employees in a bargaining unit in the United States who sign "union authorization cards" the higher the proportion who are likely to vote in favour of the union in a representation election. And Charron (1980:17, 21, and 30) has demonstrated for Nova Scotia for 1978-79 that the higher the level of union membership in a bargaining unit on the date an application for certification is made the higher the proportion of those who will vote in favour of the union in a representation election, the more likely the application for certification will succeed, and the less likely conciliation will be needed to secure a collective agreement.

These results are hardly surprising, and clearly the level of employee support for unionisation is a factor which has to be taken into account in any analysis of the process of certification and negotiation. The question arises as to how it should be taken into account, however, because the level of employee support for unionisation is likely to be determined by virtually all the other factors discussed in this paper.[11] Hence if they, together with the level of employee support, are included as explanatory variables in a multi-variable analysis of the process of certification and negotiation, their separate effects upon this process may be difficult to disentangle because the degree of correlation between them is so high. Hence considerable care needs to be exercised in any empirical work which attempts to use as explanatory variables the level of employee support together with the other factors discussed in this paper, and the possibility that the interrelationships between them may prohibit all of them being used simultaneously needs to be recognised.[12]

Geographical Location. Since the statistics on the process of certification and negotiation are collected on a provincial basis, much of the regional variation in the data is already controlled for. But Kornhauser (1961:53-4) has argued that "in big cities located in highly industrialized and urbanized regions, the concentration of large numbers of manual workers facilitates communication, favors the development of a common outlook, and diminishes the unions' cost of organizing and servicing them" and that, in addition, "the competitiveness of the urban labor market and the proliferation of interest groups combine to lessen the power of employees in the large city." And Lowe (1980:105-6) found that the larger community setting is an important factor facilitating unionism among bank employees in Canada. In his words,

> the Windsor success of the UBE underlines the importance of a union base in the community. Bank employees there were familiar with unions, had the encouragement of unionists among family and friends and knew that community opinion was behind them.

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[11] Some of the attitudinal factors which are related to employee support for unionisation are discussed in Hamner and Smith (1978), Schrieschein (1978), and Le Louarn (1979).

[12] In the language of the statistician, a multicollinearity problem might arise. See Bain and Elsheikh (1976b:123).

> The fact that much of SORWUC's support developed spontaneously in small highly unionized resource communities lends additional credibility to this view.

Thus in trying to obtain answers to the questions with which this paper is concerned an attempt should be made to take account of regional factors.

There is difficulty, however, in creating appropriate regional variables. Dummy variables[13] could be used to distinguish between bargaining units in urban areas and those in rural areas. The trouble with such variables is that they may measure factors in addition to those which they are designed to measure, and hence the research worker is not clear exactly what influences they are picking up. For example, unemployment and wages vary by region and, as noted above, because of data limitations their influence cannot be controlled for in cross-section studies of the process of certification and negotiation. Hence if regional dummy variables were used and found to be significant, their significance might be explained by regional variations in unemployment and wages rather than by the community factors stressed by Kornhauser and Lowe. Since their argument basically is that collective action is more likely to emerge in heavily unionised areas than elsewhere, perhaps a better way of testing it would be to use regional union density figures in the analysis. Some data exist on unionisation within different areas of provinces,[14] and these might provide the basis for constructing an appropriate regional variable. An additional advantage of a regional variable of this type is that it would help to test in the context of a cross-section study the arguments advanced above about the importance of the organising climate.[15] If sufficient regional union density data were not available, then the community factors mentioned by Kornhauser and Lowe might be captured by using a "community size" variable based on the population figures of the city or town in which the bargaining unit was located.

Industrial Location. The industry or sector (e.g., public or private) in which a bargaining unit is located may have an impact upon the process of certification and negotiation, for there are marked inter-industry variations in the amount and nature of trade unionism and collective bargaining. Some of the factors discussed above - for example, unemployment, wages, labour turnover, and part-time employment - plus some of those mentioned below - for example, the nature of the product market - which cannot be controlled for in a cross-section study because of data limitations are likely to vary considerably by industry, and hence there is an argument for including dummy variables in the analysis to represent the industry in which each bargaining unit is located. As noted above in the

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[13] Dummy variables would take the value of zero or one according to whether the particular observation is from an urban or rural area; in other words, bargaining units in urban areas would be assigned the value of one, and those in rural areas would take the value of zero.

[14] See, for example, the Labour Gazette, LXXIV (July 1974), 516-25.

[15] See above, pp. 4-5.

case of regional location, however, an argument can be advanced against their use and in favour of a union density variable disaggregated, in this case, by industry.[16] The use of such a variable would also enable some assessment to be made of whether "organising success" and "bargaining success", for example, were more difficult to obtain in a highly unionised industry because of the "saturation effect" or easier to obtain because of the "demonstration" and "enforcement" effects.[17]

Size of Unit. Krislov (1960:924), Brandt et al. (1966:46-7), Rose (1972:49), Chaison (1973:51-2), and Roomkin and Juris (1978:214-16) have analysed for a variety of years the data generated by the representation elections supervised by the NLRB in the United States and have found that small bargaining units have a higher degree of "organising success" than large units. Similarly, Krislov (1956:591-2), Brandt et al. (1966:34-5), Prosten (1978:248), Anderson et al. (1979:32) and Dworkin and Extejt (1979a:232-3); 1979c:244-5) have used these data to demonstrate that decertifications are more likely to occur in small than in large units.

Various reasons can be offered to account for these findings. Both certifications and decertifications may be easier to obtain in small units because a consensus of the required magnitude for an election can be more readily built up and maintained. An additional reason in the case of certifications is that employers may be more opposed to claims involving large groups of workers because these make more significant inroads into their non-unionised work forces. In the case of decertifications, labour turnover can more easily result in significant changes in the composition of a small than a large unit. In addition, small units are relatively costly for unions to service, and hence once certified they may be neglected. Indeed, Anderson et al. (1979:33) noted that in the case of small units "petitions for decertification elections may go uncontested by the union because of the costs of mounting a campaign."

There is some evidence from Canada which is consistent with that from the United States and supports the above reasoning. Piliotis (1975:24) found that non-construction applications for certification in Ontario between 1970 and 1973 were more successful in small than in large units, Charron (1980:19) obtained the same results for Nova Scotia for 1978-9, and Ponak and Moore (1979:19) found that small bargaining units in banking were more likely to be certified than large units. But Turgeon's results (1980:Tables 10a and 36a) for New Brunswick for 1978-9 indicate that larger

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[16]For data on union membership by industry see, for example, the Labour Gazette, LXXVII (May 1977), 224-5, table 1.

[17]See above pp. 4-5.

units were more successful in obtaining certification than smaller units.[18] The only study of decertification in Canada is that by Chafetz and Fraser (1979:62), and they found that small units were disproportionately represented among the decertifications which occurred in British Columbia between 1974 and 1976.[19]

There is also some Canadian evidence on the relationship between unit size and first agreements. Once again, Turgeon's results (1980: Tables 10b and 36b) for New Brunswick for 1978-9 are different from the rest; she found that smaller units were more successful in reaching a first agreement.[20] But Haywood and Forrest (1979:6) found for Ontario for 1977-8 that larger bargaining units were more likely to reach a first agreement, and Charron (1980:35) obtained the same result for Nova Scotia for 1978-9. Similar findings are presented for Newfoundland by Stapleton (1980:Table 3) and for Alberta by Wright (1980:Tables 5a and 5b).

Large units may be more likely to obtain first agreements for the same reasons that large units are less likely to be decertified: labour turnover is likely to have a less significant impact on the composition of large units, and unions are likely to be more willing and able to service them. Moreover, the larger the proportion of an employer's labour force which a union represents the more pressure it may be able to exert in collective bargaining. This argument is consistent with the point made above that employers may be more opposed to conceding recognition to large bargaining units. Both these arguments could be tested by constructing a "relative size" or "unit coverage" variable which would measure the proportion of the labour force in each establishment covered by the bargaining unit in question, and then assessing its relationship to certifications, first agreements, decertifications, and some of the aspects of employer

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[18] Turgeon's evidence suggests that the relationship between unit size and certification in New Brunswick is non-linear. As can be seen from Tables 10a and 36a, the proportion of applications which results in certification does not increase steadily as the size class gets larger. In non-construction industries, for example, both the smallest and largest units have a greater degree of "organising success" than some of the medium-sized units. In any case, the results for New Brunswick are difficult to explain given all the contrary findings mentioned above. They may be accounted for by the industrial structure of New Brunswick and its resulting pattern of unionisation, or perhaps 1978-9 were "odd" years in some respect in that province.

[19] Interestingly, in view of the above observations regarding the costs and benefits of servicing small units, Chafetz and Fraser (1979:62 and 66) found that union withdrawal of services contributed significantly to decertification in 18 of the 43 cases which they examined. The locals which experienced decertification were much larger than the provincial average and administered many small units, and the units which decertified were small relative to the others in the same local.

[20] Once again, the evidence suggests that the relationship is non-linear. See n. 18.

behaviour which are discussed below. It is not clear, however, whether data could be obtained on the total number of employees in each establishment, and there would also be difficulties in deciding whether the unit's coverage should be assessed in relation to a particular establishment or to the company as a whole.

Be that as it may, the studies cited above suggest that the size of the bargaining unit has conflicting effects upon union growth, for they indicate that unions stand a better chance in small units of being both certified and decertified. Even if certifications less decertifications produce a greater net gain in small than in large units, caution needs to be exercised in using these studies to draw conclusions about the relationship between unit size and union growth. The cases which come before labour relations boards, and upon which the above studies are based, are not a representative sample of all the bargaining units in the economy as a whole. They exclude bargaining units in certain parts of the public sector, for example, and those in which the employer agrees to recognise a union without recourse to a labour board.[21] Even leaving aside these exclusions, the case load of labour boards becomes increasingly unrepresentative with the passage of time, because it is increasingly composed of small units and those which are least susceptible to organisation.[22] Indeed, since most of the large units, especially in those sectors of the economy which are highly unionised, have been organised for some time, the large units which remain unorganised are likely to be those which are particularly resistant to unionisation.[23] Hence, the finding that unions have a lower degree of organising success in large bargaining units should not be taken as an indication that unit size *per se* generally has a negative association with union growth.

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[21] See Bernstein (1961:149) on this point.

[22] Spielmans (1956:282) and Roomkin and Juris (1978:215) present evidence for the United States which demonstrates that both the average size of unit and the union success rate has, with mild fluctuations, moved fairly steadily downwards since the 1940s. See also Prosten (1978:246). Similar evidence is not readily available for Canada. In Ontario in 1972-3, however, less than 1 per cent of non-construction applications for certification involved 500 or more employees, only about 10 per cent involved 100 or more employees, and about 70 per cent of them involved fewer than 40 employees (Piliotis, 1975:25). Similarly, of the 706 applications filed in British Columbia in 1979, over 70 per cent involved 10 or less employees, and only 3 per cent involved more than 100 employees; the average size of unit applied for was 16 employees (Keylock, 1980:31).

[23] Brandt *et al.* (1966:52-3) found in their study of certification in Texas that "most of the larger congregations of workers, particularly in the manufacturing and processing units, already had been organized at the time of this study. Many of the larger voting units which were examined in this study...were groups of workers who already had experienced elections in which the employees voted against union affiliation. Thus, the workers' inclination to organize (unionize) already had been measured, and the company's skills in opposition had been tested."

Size of Establishment. Even less should this finding be taken, as Ponak and Moore (1979:19, n. 42) have done, as an indication that establishment size is negatively associated with union growth, especially since virtually all the empirical evidence points in the opposite direction.[24] To begin with, the assumption should not be made that the size of the bargaining unit necessarily reflects the size of the establishment in which it is located. Many small units are located in large establishments, and the larger the establishment the more likely all its employees are to be administered in a bureaucratic fashion. In other words, the more likely they are to be treated not as individuals but as members of groups, to have their terms and conditions of employment determined not by the personal considerations and sentiments of their managers but by formal rules which apply impersonally to all members of the group to which they belong, and hence to the conclusion that the most effective way of modifying these rules in their favour is by collective rather than individual bargaining.[25] Moreover, the larger the establishment the more likely other bargaining units within it will be unionised and, for all the reasons which Shister (1953:422-4) has set out, this "proximity effect" is likely to facilitate the unionisation of those units which remain to be organised. Hence if data on the total number of employees in the establishment in which the bargaining unit is located can be obtained, this factor should be included in the analysis as an explanatory variable in its own right so that its relationship to unit size and to the process of certification and negotiation can be assessed.

Single Independent Establishment. In the same way that bargaining units which are part of larger establishments are more likely to be administered in a bureaucratic fashion and to be in proximity to other unionised workers, so establishments which are not owned or controlled by a larger firm or enterprise are more likely to be administered in a paternalistic fashion and to lack physical and institutional proximity to unionised workers. In such circumstances, employees are less likely to be aware of their common interests, and the growth of trade unionism is likely to be retarded. In addition, paternalistic employers and managers are more likely to be opposed to recognising trade unions in their establishments, regarding them as external bodies which interfere illegitimately in what is essentially a private relationship between employer and employee. This a priori reasoning is supported by the evidence which Elsheikh and Bain (1980) obtained from a survey of 970 manufacturing establishments in Great Britain, and, if data on this factor exist in Canada, its impact upon the process of certification and negotiation should be assessed.

Multi-employer Collective Agreement. Regardless of the size of the bargaining unit and the size and nature of the establishment in which it is located, it may be easier to organise if it is in an area covered by a multi-employer collective agreement. Employer opposition to unionism is likely to be less in such areas because most employees will already be

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[24] Most of the evidence is cited in Bain (1978:22); see also Bain and Elsheikh (1979) and Elsheikh and Bain (1980).

[25] On this point see Bain (1978:19-21).

unionised, their terms and conditions of employment will be "taken out of competition" by being standardised across firms, and individual employers will be relieved of dealing with many aspects of collective bargaining and labour relations by an employers' association with an expert staff. In fact, Turgeon (1980:24 and 40) found that in New Brunswick in 1978-9 both "organising success" and "bargaining success" tended to come more quickly in units which became part of a multi-employer collective agreement. Data on the incidence of multi-employer agreements should be fairly easy to obtain, and hence the impact of this factor upon the process of certification and negotiation should be empirically assessed.

Union Structure and Policies

The public image of the trade unions involved in the process of certification and negotiation, the policies and structures which they devise to recruit and service members, and the financial and other resources which they devote to these purposes may have some effect on the questions with which this paper is concerned.[26] But no data on these matters are available from the records of labour relations boards. Perhaps some data could be obtained on the financial and other resources of unions from the information filed under the Corporations and Labour Unions Returns Act.[27] As a first step in the analysis, however, a dummy variable could be included for each union involved. If one or more of these proved to be significant, then an attempt could be made to construct more sophisticated measures and case studies of particular unions could be undertaken to obtain more qualitative information on the reasons for their above-average success or failure.

In addition to the characteristics of particular unions, the number of unions involved in an application for certification or decertification may have an impact on its outcome. Berkowitz (1954:580-81) has argued that

> the function of organizing...is a selling job designed to convince workers of the wisdom of attaching themselves to unionism in general and to one union in particular. If competing unions are in the field, the task becomes at once easier and more difficult. The rivals might, quite unconsciously, aid each other since both are interested in overcoming opposition to the idea of unionism; yet their tasks are more difficult since each is attempting to sell its own differentiated brand of the product.

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[26] See Block and Saks (1979) for a discussion of some of the factors which determine how much of their resources unions devote to organising and how these resources are allocated across various potential members.

[27] For example, data on the assets per member or full-time officers per member of each trade union. See, for example, Annual Report of the Ministry of Industry, Trade and Commerce under the Coporations and Labour Unions Returns Act (Part II. Labour Unions) 1974 (Ottawa: Statistics Canada, Catalogue no. 71-202, 1975).

Since union competition has these contradictory tendencies, the question arises as to whether its net impact upon the process of certification and negotiation is positive or negative. The answer to this question could be obtained by including in the analysis a dummy variable to represent the incidence of union competition.[28]

Employer Attitudes and Behaviour

The growth of unions may be affected not only by their own policies and practices but also by those of employers. As previously noted (Bain, 1978:23-5), there are several reasons and a considerable body of evidence from many countries which suggest that union growth is likely to be retarded the more willing and able employers are to resist union demands for recognition and bargaining rights. Employer attitudes and behaviour are also likely, therefore, to have a significant impact upon the questions with which this paper is concerned. In fact, Freeman and Medoff (1976:27-33) have presented evidence from a variety of sources for the United States which indicates that the extent of employer opposition has a significant impact on the outcome of union representation elections. And Chafetz and Fraser (1979:68) found in their analysis of the reasons for decertifications in British Columbia between 1974 and 1976 that "the influence of the employer continually emerges as the important variable".

Some of the factors which may affect an employer's willingness and ability to resist unionisation have already been mentioned: company profitability; the extent of unemployment; the organising climate as measured by the level of union density; the degree of labour turnover; the geographic and industrial location of the bargaining unit, its relative size or coverage, the size of the establishment in which it is located, whether this establishment is independent or part of a larger group, and whether the bargaining unit is covered by a multi-employer collective agreement.[29] Other factors frequently mentioned in the literature on union growth (e.g., Bain and Elsheikh, 1979:142-3) include the nature of the firm's product market - particularly its competitiveness and geographical scope - and its proportion of labour costs to total costs. Systematic data on these factors are not readily available, however, although their impact on employer attitudes and behaviour may be captured to some extent by the industrial and regional variables discussed above.

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[28] Spielmans (1952:326-8) has presented data for the United States for the period 1941-50 which show that union competition has a positive impact on "organising success".

[29] Drotning (1965b) has examined how some of these factors affect what employers say and do in the campaigns preceding union representation elections in the United States.

In any case, all these factors affect union growth indirectly through the impact which they have on employer attitudes and behaviour towards trade unions. A more direct indication of these is given by data generated by various aspects of the process of certification and negotiation itself. These aspects include the following: employee petitions opposing unionisation, the extent and nature of hearings before labour relations boards, unfair labour practices, the extent of conciliation, the number of strikes, the time taken to achieve certification and a collective agreement, and the extent and nature of union security clauses in collective agreements.

Employee Petitions. Some jurisdictions allow employees who object to unionism to present their views to the labour relations board in the form of a "petition" or "statement of desire". Unions regard the appearance of petitions "as thinly veiled attempts by management to undercut union support by subtle intimidation of the labour force", as Haywood and Forrest (1979:7) have pointed out, because the petition may cause a representation vote to be held in circumstances in which the union would otherwise be entitled to "outright certification" on the basis of initial membership support. Both Haywood and Forrest and Carter and Woon (1980:32-6) have presented evidence for Ontario which indicates that the probability of a union being certified is greatly reduced where a petition is examined and accepted by the labour board. A petition which is accepted by the board also appears, on the basis of the evidence presented by Haywood and Forrest, to reduce the probability that the union will obtain a first agreement, "denoting perhaps the debilitating effects of a union membership divided over the merits of certification and a management willing and able to capitalize on this weakness." Thus the incidence of employee petitions should be included in the analysis. They are not an unambiguous index of employer opposition to unionism, however, because presumably at least some of them are not inspired by employers.

Extent and Nature of Hearings. In some jurisdictions the labour relations board holds a hearing on all non-construction applications for certification, whereas in other jurisdictions the board holds a hearing only if there is a dispute about some aspects of the application. Although a hearing may be concerned with points raised by, among others, the union making the application, the employees covered by it, or other unions with an interest in these employees, it generally centres around issues which the employer raises in contesting the union's application. These include the validity of the vote or the membership support which the union claims to have, the description or appropriateness of the proposed bargaining unit, the extent to which proper procedures have been followed, the status of the union, and the legitimacy of establishing collective bargaining for the employees concerned.

Thus the data on the extent and nature of hearings could be used to construct an index of employer attitudes and behaviour towards unions. In construction cases and in jurisdictions where hearings are optional, one index of employer opposition would simply be whether or not a hearing took place and, in jurisdictions which provide for "pre-hearing votes", whether

the hearing took place before or after the vote.[30] Perhaps another index in such jurisdictions as Ontario, where hearings are always held in non-construction cases, would be whether or not the board appoints a labour relations officer to inquire into the case. Another index, appropriate in all cases where hearings take place, would be the length of the hearing, the assumption being that employer opposition is greater the longer the hearing.[31] Still another index could be based on the types of issues which employers raise in contesting a union's application, with the assumption being that some issues indicate more fundamental opposition to unionism than others. But since the issues which the employers advance at hearings may be determined as much by tactical considerations as by their fundamental values and beliefs, the utility of such an index is questionable. There may be some utility, however, in ascertaining whether an employer participates in a hearing if one is held, and whether either the employer or the union is represented by lawyers. Turgeon's evidence (1980:20) for New Brunswick for 1978-9 indicates that non-construction applications for certification were more likely to be successful and were more likely to result in collective agreements if the employer did not participate in the hearing. Presumably, if employers have no strong objections to unionism, they are less likely to participate in any hearings which may be held;[32] and even if they do participate in any hearings which are held, they may be less likely to have legal representation if they do not have strong objections to unionism.

Unfair Labour Practices. The commission of unfair labour practices by employers is a fairly unambigious indication of their opposition to unionism, and an index could easily be constructed using the data which labour relations boards compile on the type and frequency of these practices. While such an index would be useful, especially if it distinguished between those charges which were upheld and those which were

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[30] Turgeon's evidence (1980:33) for New Brunswick for 1978-9 indicates that construction applications which involved hearings were less likely to result in certifications and collective agreements. Charron (1980:30 and 35) found for Nova Scotia for 1978-9 that non-construction applications which involved hearings were more likely to require conciliation and were less likely to secure an agreement. And Wright (1980:6) found for Alberta for 1978-9 that applications for certification in the manufacturing, transport, and trade sectors were less likely to result in a collective agreement if they involved hearings.

[31] Turgeon's evidence (1980:21 and 35) for New Brunswick for 1978-9 indicates that both construction and non-construction applications were less likely to result in both certifications and collective agreements the longer the hearing lasted. Carter and Woon (1980:42) found for Ontario for 1978 that the greater the amount of time required to hear an application for certification the more likely it would be unsuccessful.

[32] But Turgeon (1980:34) found that although construction applications for certification were also more likely to be successful if the employer did not participate in the hearing, the parties later experienced difficulty in reaching a collective agreement.

dismissed, it would considerably understate the amount of employer opposition to unionism. For even when unions have cause to object to the legality of employer conduct, they often will not do so because it will delay the process of certification and negotiation. Moreover, if an unfair labour practice is committed early enough in an organising campaign, it may never come to light, because the employees may be too discouraged or intimidated to submit a complaint or an application for certification. In any case, there are many techniques employers can use to dampen union organising which are not illegal.[33]

Conciliation and Strikes. Another index of employer opposition, or at least of employer strength, is the extent to which unions need to request conciliation or use strikes to help them secure a collective agreement. Data on both these factors seem to be fairly readily available.

Time Taken to Achieve Certification and a Collective Agreement. Perhaps the best index of employer opposition to union recognition is the time taken to achieve certification and a collective agreement. Data on this factor can be obtained fairly easily.[34] In addition, it has the advantage of directly or indirectly encompassing many of the other indices of employer opposition discussed above, because their effect is to delay the process of obtaining certification and a collective agreement. As noted above, some of the delay may be caused by persons other than the employer, but the employer's behaviour tends to be the dominant factor. Indeed, as pointed out elsewhere (Bain, 1978:34, n. 83), unions have a vested interest in expediting the process because delays almost invariably work against them by causing employees to lose interest and allowing employers time to take countermeasures designed to undermine employee support for unions.

Prosten's analysis (1978:247-8; 1979:39) of NLRB data shows that each month of delay between the filing of an election petition and the actual conduct of the election decreases a union's chances of winning the election and of obtaining a collective agreement.[35] Similar evidence has been presented for New Brunswick by Turgeon (1980:23), for Ontario by Haywood and Forrest (1979:8-10), and for Alberta by Wright (1980:Table 9). Haywood and Forrest also found that "barriers in the negotiation process take precedence over delays encountered in certification as the critical factor in determining the length of time required to establish a bargaining

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[33]Some of these are described for the United States in Lewis (1974), Imberman (1977), Fulmer (1978), Kilgour (1978a and 1978b), and Krupman and Rasin (1979). See also Greer and Martin (1978).

[34]In constructing this index, cases involving "interim certification" (see Bain, 1978:37) should probably be classified separately from the rest. It would also be useful to draw a distinction, as Turgeon (1980) has done, between the time from application to a hearing, the time from the hearing to the board's decision, and the time from the decision to the reaching of a collective agreement.

[35]See also Roomkin and Juris (1978:217-18).

relationship" and that "the prime culprits in prolonging the establishment of a bargaining relationship are the parties themselves and not the Labour Relations Board as is often alleged."

Extent and Nature of Union Security. A final index of employer attitudes and behaviour towards unions is the extent and nature of union security clauses in collective agreements,[36] the assumption being that employer opposition is greater where such clauses do not exist or where they convey weaker forms of security. Since the Ontario Federation of Labour has claimed that a typical employer strategy in negotiating a first agreement is to "take a rigid position against the check-off of union dues early in negotiations, offer all other terms of contract on a take-it-or-leave-it basis, and force a strike or lockout while continuing production with strike-breakers",[37] an assessment of the relationship between union security and first agreements would be of some interest. Equally interesting would be an assessment of the relationship between union security and second and subsequent agreements and between union security and decertifications.[38]

Government Action

As indicated previously (Bain, 1978:25-6), government action to promote union recognition has had a profound effect on the growth of trade unions by tending to neutralize or at least contain employer opposition to them. The major form of government action to promote union recognition in Canada is the certification and negotiation process which is the subject of this paper. The administrative details of this process vary between jurisdictions and, within a single jurisdiction, they vary over time. These variations are likely to produce interprovincial and intertemporal variations in "organising activity", "organising success", "bargaining success", and "employee support". For example, Piliotis (1975) has demonstrated how some of these phenomena were affected by the legislative changes introduced in Ontario in the early 1970s, and Roomkin and Juris (1978:217) and Anderson et al. (1980:105-6) have shown how legislative changes have affected the process of certification and negotiation in the United States. Hence any attempt to answer the questions with which this paper is concerned must take the actions of government into account.

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[36] Except in Quebec and Ontario where the agency shop is available to a certified union as of right upon the negotiation of its initial collective agreement. See Bain (1978:39).

[37] See the "Submission of the Ontario Federation of Labour to the Honourable Robert Elgie, M.D., Minister of Labour, Province of Ontario", 1979, p. 7. See also Carter and Woon (1980:45) on this point.

[38] On this point see Morgan (1958), Cohen (1959) and Dworkin and Extejt (1979a, and 1979b).

III. CONCLUSIONS

The above discussion has suggested a long list of factors which might provide answers to the six basic questions with which this paper has been concerned. What is now needed is an empirical assessment not only of the way in which these factors actually are related to the process of certification and negotiation but also of the way in which they are related to each other.

The Canada Department of Labour has made a start on this assessment by commissioning the papers by Carter and Woon, Charron, Keylock, Stapleton, Turgeon, and Wright, and, as the frequency with which their work has been cited above indicates, much can be learned from the data they have gathered and analysed. But their analyses, like most of the investigations in this area, have proceeded in a step-wise fashion. That is, the effect of each factor on the dependent variable (e.g., "organising success") has been considered separately with only the most general allowances being made for the fact that "all other things" may not be equal or constant. The weakness of such a procedure is that other variables which affect the process of certification and negotiation may obscure or distort the influence of the factor under consideration. For example, a step-wise analysis might reveal a significant relationship between "organising success" and the industry in which a bargaining unit is located, but these two variables may have no significant connection with each other except through their separate relationships to a third variable, say, the size of establishment or the level of union density.

These and other relationships could be explored simultaneously and the above difficulties overcome by using multiple regression analysis, a technique for investigating the relationship or degree of correlation between a dependent variable and a set of explanatory variables. This technique is now widely used by labour economists and other social scientists. Adams and Krislov (1974), Anderson et al. (1979, 1980), and Roomkin and Juris (1978), for example, have used it to analyse the process of certification and negotiation in the United States. And if further progress is to be made in isolating the strategic determinants of this process in Canada, it will need to be used in future work in this country.

There are at least two basic projects which might be attempted in one or more jurisdictions with the aid of multiple regression analysis: a longitudinal study of the process of certification and negotiation from, say, 1948 to the present, and a cross-section study for a single year, say, 1978. In both cases, data would need to be collected on the six basic dependent variables: "organising activity", "organising success", "bargaining success", "disorganising activity", "disorganising success",

and "employee support".[39] Data could be assembled fairly easily on all these variables for a single year and, with the possible exception of "bargaining success", for most of the period 1948 to the present. Data would also have to be assembled on the explanatory variables, and this would prove a more difficult task. As already indicated, data on some of them - for example, organising history, age, and labour turnover - are not available at least at the appropriate level of aggregation. Data on some of the others - for example, establishment size, single independent establishment, and extent and nature of hearings - could only conveniently be collected for a single recent year. Nevertheless, sufficient data could be collected to make analysis worthwhile.

To take two examples, sufficient data are probably available to examine the extent to which variations in, say, "organising success" over the past 30 years can be accounted for by variations in, among other things, such factors as prices, wages, profits, unemployment, union density, the size of the bargaining unit, the time taken to achieve certification, and government policies. Similarly, sufficient data are probably available for, say, 1978, to assess the extent to which the inter-unit pattern of "bargaining success" can be accounted for by, among other things, union structure and policies, employer attitudes and behaviour, and the various characteristics of the bargaining unit discussed above. These and similar analyses would be interesting and useful in their own right and would contribute significantly to the study of union growth. In addition, by isolating the strategic determinants of the process of certification and negotiation, they would provide a more secure basis upon which to formulate policies for improving this process.

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[39] As indicated above (pp. 1-2), there are two measures for each of these dependent variables. With the exception of those for "organising activity", each of them can be assessed either absolutely or relatively. To take one example, "organising success" can be measured by (a) the number of applications which result in certification, (b) the number of applications which result in certification as a proportion of the total number of applications for certification, (c) the number of employees covered by applications which result in certification, and (d) the number of employees covered by applications which result in certification as a proportion of the number of employees covered by the total number of applications for certification. For most purposes, the relative measures are probably the most useful. Finally, each of the absolute and relative measures may be expressed either as a level or as a rate of change.

REFERENCES

The following lists most of the significant references on those aspects of the process of certification and negotiation with which this paper is concerned plus some of the more relevant literature on the determinants of union growth. References to the more general literature on union growth can be obtained from Bain, Coates, and Ellis (1973), Bain and Elshiekh (1976b), and Bain and Elsheikh (1979).

Adams, Arvil V., and Joseph Krislov. 1974. "New Organizing: A Test of the Ashenfelter-Pencavel Model of Trade Union Growth". Quarterly Journal of Economics, LXXXVIII, 304-11.

Anderson, John C., Gloria Busman, and Charles A. O'Reilly. 1979. "What Factors Influence the Outcome of Decertification Elections?". Monthly Labor Review, CII, November, 32-6.

Anderson, John C., Charles A. O'Reilly, and Gloria Busman. 1980. "Union Decertification in the U.S.: 1947-1977". Industrial Relations, XIX, 100-107.

Ashenfelter, Orley, and John H. Pencavel. 1969. "American Trade Union Growth: 1900-1960". Quarterly Journal of Economics, LXXXIII, 434-48.

Bain, George Sayers. 1978. Union Growth and Public Policy in Canada. Ottawa: Labour Canada.

Bain, George Sayers, David Coates, and Valerie Ellis. 1973. Social Stratification and Trade Unionism: A Critique. London: Heinemann.

Bain, George Sayers, and Farouk Elsheikh. 1976a. "Trade Union Growth in Canada: A Comment". Relations Industrielles, XXXI, 482-90.

Bain, George Sayers, and Farouk Elsheikh. 1976b. Union Growth and the Business Cycle: An Econometric Analysis. Oxford: Blackwell.

Bain, George Sayers, and Farouk Elsheikh. 1979. "An Inter-Industry Analysis of Unionisation in Britain". British Journal of Industrial Relations, XVII, 137-57.

Bain, George Sayers, and Robert Price. 1980. Profiles of Union Growth: A Comparative Statistical Portrait of Eight Countries. Oxford: Blackwell.

Berkowitz, Monroe. 1954. "The Economics of Trade Union Organization and Administration". Industrial and Labor Relations Review, VII, 575-92.

Bernstein, Irving. 1961. "The Growth of American Unions, 1945-1960". Labor History, II, 131-57.

Blinder, Alan S. 1972. "Who Joins Unions?". Working Paper no. 36. Princeton, N.J.: Industrial Relations Section, Department of Economics, Princeton University.

Block, Richard N., and Daniel H. Saks. 1979. "Union Decision-Making and the Supply of Union Representation: A Preliminary Analysis". Proceedings of the Thirty-Second Annual Meeting of the Industrial Relations Association, 218-25.

Brandt, Floyd S., Terry D. Kahn, and Gary C. Raffaele. 1966. Union Organizing Results in Texas, January 1962-February 1964. Studies in Personnel and Management no. 17. Austin: Bureau of Business Research, University of Texas.

Carter, D.D., and J.W. Woon. 1980. "Union Recognition in Ontario: Management Conflict During the Establishment of the Collective Bargaining Relationship". An unpublished paper. Ottawa. Labour Canada.

Chafetz, I., and C.R.P. Fraser. 1979. "Union Decertification: An Exploratory Analysis". Industrial Relations, XVIII, 59-69.

Chaison, Gary M. 1973. "Unit Size and Union Success in Representation Elections". Monthly Labor Review, XCVI, February, 51-2.

Charron, Tim. 1980. "The Certification Process and First Collective Agreement Negotiation in Nova Scotia". An unpublished paper. Ottawa: Labour Canada.

Cohen, Sanford. 1959. "Union Shop Polls: A Solution to the Right-to-Work Issues". Industrial and Labor Relations Review, XII, 252-4.

Czarnecki, Edgar R. 1969. "Unions' Record in Repeat Elections". Labor Law Journal, XX, 703-15.

Drotning, John E. 1965a. "An Unused Research Source: A Description and Illustration of NLRB Election Case Files". American Behavioral Scientist, IX, 23-5.

Drotning, John E. 1965b. "A Study in Persuasion: The Union Representation Election". Monthly Labor Review, LXXXVIII, 938-43.

Dworkin, James B., and Marian M. Extejt. 1979a. "Recent Trends in Union Decertification/Deauthorization Elections". Proceedings of the Thirty-Second Annual Meeting of the Industrial Relations Association, 226-34.

Dworkin, James B., and Marian M. Extejt. 1979b. "The Union Shop Deauthorization Poll: A New Look After 20 Years". Monthly Labor Review, CII, November, 36-9.

Dworkin, James B., and Marian M. Extejt. 1979c. "Why Workers Decertify Their Unions? A Preliminary Investigation". Proceedings of the Thirty-Ninth Annual Meeting of the Academy of Management, 241-5.

Elsheikh, Farouk, and George Sayers Bain. 1979. "The Determination of the Rate of Change of Unionization in the U.K.: A Comment and Further Analysis". Applied Economics, XI, 451-63.

Elsheikh, Farouk, and George Sayers Bain. 1980. "Unionisation in Britain: An Inter-Establishment Analysis Based on Survey Data". British Journal of Industrial Relations, XVIII, 169-78.

Farber, Henry S., and Daniel H. Saks. 1980. "Why Workers Want Unions: The Role of Relative Wages and Job Characteristics". Journal of Political Economy, LXXXVIII, 349-69.

Foley, John R. 1953. "Decapitate the Decertification Petition". Labor Law Journal, IV, 85-94.

Freeman, R.B., and J.L. Medoff. 1976. "Where Have all the Members Gone?". Working Paper. Cambridge, Mass.: Department of Economics, Harvard University.

Fulmer, William. 1978. "When Employees Want to Oust Their Union". Harvard Business Review, LVI, March-April, 163-70.

Getman, Julius, Stephan Goldberg, and Jeanne Herman. 1976. Union Representation Elections: Law and Reality. New York: Russell Sage Foundation.

Greer, Charles R., and Stanley A. Martin. 1978. "Calculative Strategy Decisions During Union Organization Campaigns". Sloan Management Review, XIV, 57-68.

Hamner, W. Clay, and Frank J. Smith. 1978. "Work Attitudes as Predictors of Unionization Activity". Journal of Applied Psychology, LXII, 415-21.

Hart, Moira. 1978. "Union Recognition in America - The Legislative Snare". Industrial Law Journal, VII, 201-15.

Haywood, L., and A. Forrest. 1979. "Achievement of First Agreements from Ontario Labour Relations Board Certifications". An unpublished paper. Toronto: Ontario Ministry of Labour.

Imberman, Woodruff. 1977. "How to Win a Decertification Election". Management Review, LXVI, September, 26-8 and 37-9.

Keylock, Alec J.K. 1980. "A Study of First Agreements in British Columbia in 1978 and 1979". An unpublished paper. Ottawa: Labour Canada.

Kilgour, John G. 1978a. "Preventive Labor Relations, Part I: Before the Union Knocks". Personnel Journal, LVII, April, 186-92, and 212-13.

Kilgour, John G. 1978b. "Preventive Labor Relations, Part II: Responding to the Union Campaign". Personnel Journal, LVII, May, 238-42 and 269.

Kornhauser, Ruth. 1961. "Some Social Determinants and Consequences of Union Membership". Labor History, II, 30-61.

Krislov, Joseph. 1956. "Union Decertification". Industrial and Labor Relations Review, IX, 589-94.

Krislov, Joseph. 1960. "New Organizing by Unions during the 1950's". Monthly Labor Review, LXXXIII, 922-4.

Krislov, Joseph. 1967. "Union Organizing of New Units". Industrial and Labor Relations Review, XXI, 31-9.

Krislov, Joseph. 1970. "Organizing, Union Growth, and the Cycle, 1949-1966". Labor History, XI, 212-22.

Krislov, Joseph. 1979. "Decertification Elections Increase but Remain No Major Burden to Unions". Monthly Labor Review, CII, November, 30-32.

Krislov, Joseph, and Virgil L. Christian. 1969. "Union Organizing and the Business Cycle, 1949-1966". Southern Economic Journal, XXVI, 185-8.

Krupman, William A., and Gregory I. Rasin. 1979. "Decertification: Removing the Shroud". Labor Law Journal, XXX, 231-41.

Le Louarn, Jean-Yves. 1979. "Predicting Union Vote from Worker Attitudes and Perceptions". Proceedings of the Thirty-Second Annual Meeting of the Industrial Relations Research Association, 72-82.

Lennon, Elizabeth J. Shelton. 1979. "Organizing the Unorganized: Unionization in the Chartered Banks of Canada". Unpublished LLM Dissertation. Cambridge, Mass: Harvard University.

Lewis, R. 1974. "The Law and Strategy of Dealing with Union Membership Organizing Campaigns". Labor Law Journal, XXV, 42-8.

Lowe, Graham S. 1980. "Bank Unionization in Canada: A Preliminary Analysis". An unpublished paper. Edmonton: Department of Sociology, University of Alberta.

Moore, William J., and Robert J. Newman. 1975. "On the Prospects for American Trade Union Growth: A Cross-Section Analysis". Review of Economics and Statistics, LVII, 435-45.

Morgan, Chester A. 1958. "The Union Shop Deauthorization Poll". Industrial and Labor Relations Review, XII, 79-85.

Piliotis, V. 1975. The Impact of the Required Level of Employee Support on Securing Union Certification. Labour Relations Series no. 1. Toronto: Research Branch, Ministry of Labour.

Ponak, Allen, and Larry F. Moore. 1979. "Canadian Bank Unionism: Perspectives and Issues". Unpublished paper, W.P. 700. Vancouver: Faculty of Commerce and Business Administration, Univeristy of British Columbia.

Prosten, Richard. 1978. "The Longest Season: Union Organizing in the Last Decade, a/k/a How Come One Team Has to Play with Its Shoelaces Tied Together?". Proceedings of the Thirty-First Annual Meeting of the Industrial Relations Research Association. Madison, Wisconsin: The Association, 240-9.

Prosten, Richard. 1979. "The Rise in NLRB Election Delays: Measuring Business' New Resistance". Monthly Labor Review, CII, February, 38-40.

Rezler, Julius. 1961. Union Growth Reconsidered: A Critical Analysis of Recent Growth Theories. New York: Kossuth Foundation.

Roomkin, Myron, and Hervey A. Juris. 1978. "Unions in the Traditional Sectors: The Mid-Life Passage of the Labor Movement". Proceedings of the Thirty-First Annual Meeting of the Industrial Relations Research Association, 212-22.

Rose, Joseph B. 1971. "An Analysis of Organizational Union Representation Elections Conducted Under the National Labor Relations Act". Unpublished PhD Dissertation. Buffalo, N.Y.: State University of New York.

Rose, Joseph B. 1972. "What Factors Influence Union Representation Elections?". Monthly Labor Review, XCV, 49-51.

Sandver, Marcus Hart. 1977. "The Validity of Union Authorization Cards as a Predictor of Success in NLRB Certification Elections". Labor Law Journal, XXVIII, 696-702.

Saxe, Steward D. 1979. "The Effect of the Anti-Inflation Act on Trade Union Organizing". Proceedings of the Sixteenth Annual Conference of the Canadian Industrial Relations Research Association, University of Saskatchewan, 28-30 May, 2-8.

Schriescheim, Chester A. 1978. "Job Satisfaction, Attitude Toward Unions, and Voting in a Union Representation Election". Journal of Applied Psychology, LXIII, 548-52.

Shister, Joseph. 1953. "The Logic of Union Growth". Journal of Political Economy, LXI, 413-33.

Spielmans, John V. 1952. "Union Representation Elections". Journal of Political Economy, LX, 323-31.

Spielmans, John V. 1956. "Measuring the Results of Organizational Union Representation Elections". Industrial and Labor Relations Review, IX, 280-85.

Stapleton, Campbell T. 1980. "Achievement of First Agreements From Newfoundland Labour Relations Board Certifications". An unpublished paper. Ottawa: Labour Canada.

Swidinsky, R. 1974. "Trade Union Growth in Canada: 1911-1970". Relations Industrielles, XXIX, 435-51.

Turgeon, Elizabeth M.A. 1980. "1978 and 1979 Applications for Certification and the Resultant Collective Agreements". An unpublished paper. Ottawa: Labour Canada.

Wright, J.S. 1980. "Certification of Unions and First Time Agreements: Alberta, 1978-1979". An unpublished paper. Ottawa: Labour Canada.

A POSTSCRIPT

This postscript, like the paper which it accompanies, was written at the request of the Canada Department of Labour. It does not attempt to summarise the proceedings of the conference of labour board personnel and other interested parties which the Department convened in Ottawa on 13 August 1980. It merely gives my own view of some of the issues which were discussed there and draws one or two conclusions.

Public policy in Canada implicitly and, in some jurisdictions such as Ontario (Bain, 1978:29), explicitly recognises the desirability of trade unionism and the collective bargaining which it makes possible and attempts, by providing procedures for certifying unions, to encourage their growth. There are signs, however, that the certification process is not being as effective as it might be in achieving this objective.

An indication of the effectiveness of this process is given by the proportion of applications for certification which are successful ("organising success") and the proportion of certifications which result in collective agreements ("bargaining success"). The papers prepared for the Department of Labour by Carter and Woon, Charron, Keylock, Stapleton, Turgeon, and Wright provide some relevant data on these matters, and they are summarised in Table I. Total organising success in 1978-9 varied from about 65 per cent in Newfoundland to about 79 per cent in Alberta. Bargaining success is more difficult to summarise, partly because different cut-off dates were used in deciding whether a first collective agreement had been achieved. But the data which are available for the non-construction sector indicate that bargaining success varied from about 61 per cent in Nova Scotia to about 84 per cent in Alberta. Taking Table I as a whole and summarising very broadly, on average about 70 per cent of applications for certification are successful and about 70 per cent of certifications result in collective agreements. In short, only about 50 per cent of certification applications result in a collective agreement.

None of these studies give information on the trends in organising success and bargaining success. There is evidence for the United States, however, which indicates that both the average size of unit and the union success rate has, with mild fluctuations, moved fairly steadily downwards since the 1940s (Spielmans, 1956:282; Roomkin and Juris, 1978:215; and Prosten, 1978:246). At the same time, the number of applications for decertification have increased both absolutely and relatively and the union success rate in decertification elections has tended to fall (Dworkin and Extejt, 1979a:277-8 and 1979c:242-3). Similar trends are likely to exist in Canada. Whatever the trends in certifications and decertifications, the degree of union organisation in Canada has remained within the narrow limits of about 33-36 per cent for the past 30 years and has demonstrated a slight downward trend for about the last 15 years (Bain and Price, 1980:107-8 and 165).

The accompanying paper discusses a lengthy list of factors which the literature suggests as determinants of organising success and bargaining success. The research which the paper has outlined will need to be undertaken if the determinants of the process of certification and negotiation

are to be more firmly established and a better idea obtained of their relative importance. Nevertheless, the conclusion which several participants at the conference drew from the above data, from the review of the literature, and from their own practical experience is that the process of certification and negotiation is not working as well as it might primarily because of employer attitudes and behaviour.

My earlier paper (Bain, 1978:28-45) discussed several ways in which public policy in Canada could be made more effective in neutralizing or at least containing the attitudes and behaviour of employers towards trade unions. In particular, where they have not already done so, the various Canadian jurisdictions could insert in the relevant legislation a statement of the value of trade unionism and the collective bargaining which it makes possible, and of the desirability of encouraging the growth of these institutions by means of public policy; ensure that the protective provisions of this legislation cover all employees; strengthen the provisions regarding unfair labour practices by employers; expand the remedial powers of labour relations boards; give unions greater access to employees and a better opportunity to communicate with them; modify the procedures for representation votes so that they are easier to obtain and easier to win; modify the procedures for "outright certification" so that it is easier to obtain; provide for "interim certification"; make the agency shop an automatic adjunct of exclusive recognition; design bargaining units in such a way that unions have a better chance of organising them; certify that union which is "most representative" of the employees in a particular bargaining unit regardless of whether or not it represents a majority of them; grant "representation rights" to unions on behalf of members who are not covered by a certified bargaining agent; provide a newly certified union with access to compulsory arbitration until such time as it is able to establish a permanent collective bargaining relationship with the employer; and ensure that the decisions of labour relations boards are not subject to judicial review, or at least that they be implemented and enforced pending the outcome of a review.

Most of the above proposals involve the "fine tuning" of the present system of certification. If implemented, they would be useful, but they would be unlikely to lead to a great expansion in trade unionism and collective bargaining. But three of the proposals - certifying the "most representative" union, granting "representation rights" to unions, and providing access to arbitration until a newly certified union is able to establish a permanent collective bargaining relationship with the employer - fundamentally depart from the assumptions of the present system of certification. If they were implemented as public policy in Canada, a much more significant increase in union growth and collective bargaining could be expected. But because they challenge the logic of the existing system, their introduction would probably meet with opposition not only from employers but also from some unions. To continue with the status quo, however, is to accept that about two-thirds of the Canadian labour force will probably continue to remain unorganised and unrepresented in their dealings with employers.

TABLE I

Applications, Certifications, and First Agreements by Sector and by Province, 1978-1979

Province	Construction						Hors de la construction						Total					
		Certifications		Agreements				Certifications		Agreements				Certifications		Agreements		
	No. of Applications	No.	Applications	No.	Certifications	Applications	No. of Applications	No.	Applications	No.	Certifications	Applications	No. of Applications	No.	Applications	No.	Certifications	Applications
			%		%	%			%		%	%			%		%	%
Newfoundland	-	18	-	18	100.0	-	-	80	-	60	75.0	-	151	98	64.9	78	79.4	51.7
Nova Scotia	50	46	92.0	-	-	-	82	56	68.3	34	60.7	41.5	132	102	77.3	-	-	-
New Brunswick	49	29	59.2	19	65.5	38.8	82	58	70.7	40	69.0	48.8	131	87	66.4	59	67.8	45.0
Ontario[a]	353	243	68.8	-	-	-	636	449	70.6	-	-	-	989	692	70.0	-	-	
Alberta	163	135	82.8	-	-	-	111	81	73.0	68	84.0	61.3	274	216	78.8	-	-	-
British Columbia[b]	570	417	75.6	-	-	-	797	564	70.8	-	-	-	1 367	981	71.8	-	-	

[a]Data are for 1978 only.
Data on agreements not available, but information indicates that negotiation of a first agreement is successful in 80-85% of cases.

[b]Reports on agreements submitted every 18 months only. Result for second half of 1977: 80.5% of units reached agreement and in the first half of 1978, 89.4% reached agreement.